



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#17
Election

08.12.03

In re the Application of: **OKUDA, Takeshi et al.**

Group Art Unit: **1637**

Serial No.: **09/901,572**

Examiner: **Zachariah Lucas**

Filed: **July 11, 2001**

P.T.O. Confirmation No.: **4818**

For: **MODIFIED DNA MOLECULE, RECOMBINANT CONTAINING THE MOLECULE, AND USE THEREOF**

RESPONSE TO THE RESTRICTION REQUIREMENT
DATED July 15, 2003

RECEIVED

AUG 07 2003

TECH CENTER 1600/2900

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

August 6, 2003

Sir:

This paper is submitted in response to the Official Action dated **July 15, 2003**.

In the Action, restriction is required between Group (I), Claims 1-18 and 20; Group (II), Claims 1-18 and 20; Group (III), Claims 1-18 and 20; Group (IV), Claim 19; Group (V), Claim 19; and Group (VI), Claim 19.

Applicants hereby elect the subject matter of Group (I), Claims 1-18 and 20 for prosecution in this application.

Election of species is also required between (A) SEQ. ID NO: 1 and (B) SEQ. ID NO: 2. Applicants hereby elect species (B) SEQ. ID NO: 2. Applicants submit that claims 1-18 and 20 read on this elected species.

This election is made without traverse, it being understood that the applicants' rights to the filing of a divisional application directed to the non-elected subject matter under 35 U.S.C. 120 and 35 U.S.C. 121 are retained.

Response to Restriction Requirement
Takashi OKUDA et al.

U.S. Patent Application S.N. 09/901,572
Attorney Docket No. 010898

In the event that this paper is not timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 01-2340.

In the event any additional fees are required in connection with this response, please charge our Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, WESTERMAN & HATTORI, LLP



Daniel A. Geselowitz, Ph.D.

Agent for Applicants

Reg. No. 42,573

DAG/plb
Atty. Docket No. 010898
Suite 1000
1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930



23850

PATENT TRADEMARK OFFICE